

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>IN RE:</b>	)	CHAPTER 13
CARLOS G GILDELEYVA,	)	
AKA CARLOS GILDELEYBA,	)	Case No. 15 B 43611
	)	
Debtor(s).	)	Judge: Donald R. Cassling
	)	
CARLOS G GILDELEYVA,	)	
AKA CARLOS GILDELEYBA,	)	
	)	
Plaintiff(s),	)	AP NO. 16-00044
	)	
-vs-	)	
	)	
CITIFINANACIAL SERVICES, INC.	)	
and DITECH FINANCIAL LLC,	)	
	)	
Defendant.	)	

**NOTICE OF MOTION**

TO: OneMain Financial , c/o Citifinancial Services, Inc., Michael Corbat CEO, 300 St Paul St. #3, Baltimore MD 21202 *via certified mail*  
CitiFinancial Services, Inc , P.O. Box 6042, Sioux Falls, SD 57117-6042 *via US mail*  
Ditech Financial LLC, Tom Franco, President, 1100 Virginia Dr, Suite 100A, Fort Washington, PA 19034 *via certified mail*  
Ditech Financial LLC, PO BOX 6154 , Rapid City, SD 57709-6154 *via US mail*

Please take notice that on April 1, 2016, I will appear before Honorable Donald R. Cassling or any Judge sitting in his place and stead in the room usually occupied by said Judge at at Kane Courthouse, 100 S 3rd Street, Courtroom 240, Geneva, Illinois 60134, at the hour of 10:00 a.m. and then there present the attached **MOTION FOR DEFAULT JUDGMENT**, at which time you may appear if you see fit.

/s/ David H. Cutler  
David H. Cutler, esq.  
Attorney for Debtor  
Cutler & Associates, Ltd.  
4131 Main St.  
Skokie, IL 60076  
Phone: (847) 673-8600

**CERTIFICATE OF SERVICE**

The undersigned, an Attorney, does hereby certify that a copy of this Notice and Motion was filed AND sent electronically and via US MAIL to the above captioned by 5:00 p.m. on or before March 3, 2016.

By: /s/ David Cutler  
David H. Cutler, esq

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Plaintiff(s),	)	AP NO. 16-00044
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-vs-	)	
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CITIFINANACIAL SERVICES, INC.	)	
and DITECH FINANCIAL LLC,	)	
	)	
Defendant.	)	

## **MOTION FOR DEFAULT JUDGMENT**

NOW COMES, CARLOS G GILDELEYVA, AKA CARLOS GILDELEYBA, (hereinafter referred to as “Plaintiff”), by and through his attorneys, Cutler & Associates Ltd., and moves the Court for the entry of a default judgment against Defendant, CITIFINANACIAL SERVICES, INC. and DITECH FINANCIAL LLC, (hereinafter referred to as “Defendant”), and in support thereof state as follows:

1. On December 30, 2015, the Plaintiff filed a voluntary petition pursuant to Chapter 13 of Title 11, United States Code.
2. On January 21, 2016, the Plaintiff filed a complaint to determine the value of security and release of CITIFINANCIAL SERVICES, INC. and DITECH FINANCIAL LLC's underlying lien on the Debtor's property located at 812 S Kendall St, Aurora, IL 60505.

3. On January 21, 2016, a copy of the summons and complaint was served in accordance with Rule 7004(b)(3) of the Federal Rules of Bankruptcy Procedure by U.S. certified mail to: OneMain Financial , c/o Citifinancial Services, Inc., Michael Corbat CEO, 300 St Paul St. #3, Baltimore MD 21202 and to: Ditech Financial LLC, Tom Franco, President, 1100 VIRGINIA DR, Suite 100A, Fort Washington, PA 19034.
4. On January 21, 2016, a copy of the summons and complaint was served in accordance with Rule 7004(b)(3) of the Federal Rules of Bankruptcy Procedure by U.S. mail to: CitiFinancial Services, Inc , P.O. Box 6042, Sioux Falls, SD 57117-6042 and to: Ditech Financial LLC, PO BOX 6154 , Rapid City, SD 57709-6154.
5. The Defendant has neither filed an Appearance in this matter nor has the Defendant filed an Answer to the complaint.
6. That the Defendant is in default for failure to answer or otherwise plead to the complaint.

WHEREFORE, Plaintiff prays this Honorable Court enter a default judgment against Defendant declaring that the Defendant shall cancel and release its lien on Plaintiff's property located at 812 S Kendall St, Aurora, IL 60505; and for such other relief as this Honorable Court deems fair and just.

March 3, 2016

Respectfully Submitted,

BY: /s/ David H. Cutler  
David H. Cutler, esq.  
Attorney for Debtor  
Cutler & Associates, Ltd.  
4131 Main St.  
Skokie, IL 60076  
Phone: (847) 673-8600